

REMARKS

Claims 1-19 are pending in this case. Claims 1 - 19 have been rejected. Claims 1, 4, 6, 7, 10, 16 and 17 has been amended to more particularly point out the subject matter claimed by the Applicant as his invention. Claim 1 has been amended in response to a typographical error pointed out by the Examiner. No new matter has been added.

The Examiner has objected to the drawings as not showing every element in the claims. The Applicant respectfully disagrees. The Examiner states that the drawings do not show the “means for attaching the device to a painter wherein the paint roller is perpendicular to the body of the painter.” Belt attachment means 30 shown in Figure 2 is the “means for attaching the device to a painter wherein the paint roller is perpendicular to the body of the painter” which is disclosed in the specification.

The Examiner has rejected claims 1-7, 12, 13, 16 and 18 under 35 U.S.C. §102(b) as being anticipated by Engh. The Examiner has indicated that Engh discloses all of the elements of the rejected claims. Applicant respectfully disagrees. Engh is a shoulder mounted container system for a paint roller but does not maintain the container in an orientation perpendicular to a painter's body. The Examiner points to element 16 in Engh as being a belt attachment means however, this is not the case. Element 16 is a set of brackets for supporting the container when laid on a floor or for hanging the container from a ladder. The brackets 16 in Engh could not be used to attach to a belt due to their design. There is no teaching in Engh to hang the container

from the painter's belt. Furthermore, Engh teaches away from hanging the container in an orientation perpendicular to the painter's body. Figure 6 of Engh, the only figure showing the container being "worn" by the painter, shows the container being worn in front of the painter. Even if Engh were modified to move the container to the side of the painter such that the roller were perpendicular to the painter, there is no teaching in Engh to maintain the container in that position. Because Engh uses a shoulder strap, the container would be free to move about the painter and would not be maintained in an orientation perpendicular to the body of the painter as is claimed in the present invention. The Engh device does not attach to the painter such that the roller is perpendicular to the body of the painter as is claimed in the present invention. Instead, Engh teaches having the roller substantially parallel to the body of the painter and is not fixed in that position. There is no teaching or suggestion in Engh to place the brush perpendicular to the body of the painter. Thus, Engh neither anticipates nor renders obvious the instant invention as presently claimed.

The Examiner has rejected claims 8, 9, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Engh in view of Jaques. As discussed above, Engh does not show a device which maintains the container in an orientation perpendicular to a painter's body. Jaques is cited merely for the addition of a second storage compartment to the device disclosed in Engh. Jaques does not add any teaching for maintaining a paint roller and paint container in an orientation perpendicular to the body of a painter. The instant invention as presently claimed is not rendered obvious by the combination of Jaques and Engh.

The Examiner has rejected claims 10, 11, 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Engh in view of Jaques and further in view of Butschat. As discussed above, Engh and Jaques do not show a device which maintains the container in an orientation perpendicular to a painter's body. Jaques is cited merely for the addition of a second storage compartment to the device disclosed in Engh. Jaques does not disclose or suggest a device designed to carry a paint roller perpendicular to the body of a painter as is claimed in the present invention. Butschat is cited merely for the addition of a clip for retaining a paint brush. Butschat is a container system for a paint brush, not a paint roller as is claimed in the present invention. Even if Butschat were modified to accept a paint roller, based on the teachings in Butschat, the container would extend 10 - 12 inches from the side of the painter, rendering the device unusable. Further, the Butschat device does not attach to the painter such that the brush or, if modified to accept a roller, roller is perpendicular to the body of the painter as is claimed in the present invention. Instead, Butschat teaches having the brush parallel to the body of the painter. There is no teaching or suggestion in Butschat to use a paint roller in the described container, nor is there any teaching to place the brush perpendicular to the body of the painter. Furthermore, there is no reason to combine the clip of Butschat with the container disclosed in Jaques. Jaques specifically teaches maintaining the paint brushes on the outside of the paint container. Jaques teaches away from using a clip in the internal surface of the container. Claims 10, 11, 17 and 19 are not rendered obvious by the combination of Engh, Jaques and Butschat.

All claims now in the application are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, allowance of the application is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly A. Chasteen", with a large, stylized loop at the end.

Kimberly A. Chasteen
Reg. No. 36,755

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(757) 249-5100

Williams Mullen
721 Lakefront Commons, Suite 200
Newport News, VA 23606

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